IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18478 of 1998

Between:

K.Arunachalam , S/o. Muniratnam Gowdu,
R/o. Veppalamanuchenu, Gudipala Mandalam,
Chittoor District.

..... PETITIONER

AND

1 The District Collector,
Chittoor .
2 District Panchayat Officer,
Chittoor .
3 The Block Development Officer, Chittoor Panchayat Samithi,
Chittoor .
4 The Gram Panchayat , Rep.by their Executive Officer,
Gudipala.
5 N.Krishna Mandadi, S/o. Ganga Mandadi,
R/o. Veppalamanuchenu, Gudipala Mandalam,
Gudipala Post, Chittoor District.
6 V.Sasirekhamma, W/o.Chinnawamy Mandadi,
R/o. Veppalamanuchenu, Gudipala Mandalam,
Gudipala Post, Chittoor District.
7 Pala Sarojamma, W/o.Subramanyam Mandadi,
R/o. Veppalamanuchenu, Gudipala Mandalam,
Gudipala Post, Chittoor Dist.
8 The Depot Manager, A.P.S.R.T.C.,
Chittoor .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order preferably in the nature of Mandamus directing the 1st Respondent to initiate Land Acquisition proceedings in respect of the road that has

been laid between Chithapara to Veppalamnuchenu in the event of the road falls in any portion of the lands of the respondents mentioned in para No.2 of the affidavit and also direct the 8th Respondent to run his busses from Chithapara to Veppalamanuchenu in the interest of the Villagers and forbid the Respondents 5 to 7 from interfering with the user of the road by the villagers who want to use their vehicles and also carts goings on the road laid between Chithapara to Veppalamanuchenu by the Respondents 2 to 4.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: Mr.P.Raghavender Reddy

The Court made the following :

ORDER:

In the present writ petition, the petitioner seeks a direction to the District Collector to acquire the lands of unofficial respondents 5 to 8 for formation of the road between Chithapara to Veppalamnuchenu.

The facts which led to filing of the present writ petition,
in brief, are that there exist a cart track for the last more than 30 years running from Pillarikuppam village to Veppalamanucheru along the survey Nos. 335, 336, 325, 326 and 276, being used openly by all the villagers continuously without any interference or objection. While so, the unofficial respondents 5 to 8 filed a suit in O.S.No.17 of 1977 on the file of the III Additional District Court, Chittoor, for perpetual injunction and for damages. The said suit was decreed by order dated 13-7-1982 granting perpetual injunction restraining the defendants from further laying the road in the plaint schedule lands. The petitioner contends that the subject road does not fall within the lands owned by the unofficial respondents and pursuant to legal notice issued by the unofficial respondents, the APSRTC has stopped plying of the buses in the said route, causing inconvenience to the general public. It is further stated that the decree granted in O.S.No.17 of 1977 does not operate upon the official respondents herein since they were not made parties to the suit proceedings. Hence, the present writ petition filed seeking a direction to the first respondent to initiate land acquisition proceedings in respect of the subject road, in the event the road falls in any portion of the lands of the respondents 5 to 7 and to direct the 8th respondent to operate the buses on the said route and to forbid the respondents 5 to 7 from interfering with the users of the subject road.

The third respondent filed a counter affidavit stating that a cart tract from Veppalamanuchenu village to Eguvapillarikuppam in the area of Gudipala Gram Panchayat exists since time immemorial passing through survey Numbers 335, 336,325,326 and 276 and the same is being used by the villagers. It is also stated that the Gudipala Gram Panchayat passed a resolution dated
21-2-1991 for construction of revetment on the road leading to Veppalamanuchenu, which proves the existence of the subject road. It is thus contended that the road in question was well formed road since time immemorial and there is no need to initiate any land acquisition proceedings to acquire the land of the respondents 5 to 7.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj.

In view of the specific stand taken in the counter affidavit that the subject road is existing road, being used since time immemorial and there is no need to acquire the land of the respondents 5 to 7 and particularly in the absence of any claim made by the respondents 5 to 7 for payment of compensation for laying the road in their land, I see no reason to interfere in the matter. The writ petition is devoid of any merit and is liable to be dismissed. Accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

23-3-2005

TVK

To

1 The District Collector,
Chittoor .
2 District Panchayat Officer,
Chittoor .
3 The Block Development Officer, Chittoor Panchayat Samithi,
Chittoor .
4 The Gram Panchayat , Rep.by their Executive Officer,
Gudipala.
5 2 CD copies

6 2 CCS to Government Pleader for Panchayat Raj, High Court of A.P. Buildings, Hyderabad (OUT)